

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

JON DISHON, et al.,

Plaintiffs,

v.

LONESOME CREEK RESORT, LLC, et
al.,

Defendants.

No. 6:22-CV-001-H-BU


ORDER

The United States Magistrate Judge issued Findings, Conclusions, and Recommendations (FCR) that the Court approve the parties' agreement to settle the claim of the minor T. Dishon for payment into the registry of the Court, for remaining funds to be released to the minor upon her reaching the age of majority, and order the parties to cooperate in executing all documents and taking actions necessary to give effect to the settlement of the minor's claim. Dkt. No. 108 at 5–6. The FCR also recommends that the Court order the taxing of costs against the defendants in the amount of \$2,192 to pay for the fee of the guardian ad litem and that the defendants pay the guardian ad litem directly. *Id.* at 6. The FCR also recommends that the Court order the parties to otherwise bear their own costs and fees and that the Court dismiss with prejudice all other claims and counterclaims in the lawsuit. *Id.*

The parties stipulated on the record of the first prove-up hearing that they waived their right to file written objections to this FCR. *Id.* at 6–7. Having no objections, the Court reviews the Magistrate Judge's findings, conclusions, and recommendations only for plain error. *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th

Cir. 2020). The District Court has reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR. The Court approves the parties' agreement to settle the claim of minor T. Dishon. That payment shall go into the registry of the Court for the use and benefit of T. Dishon with only court-approved withdrawals until T. Dishon reaches the age of majority. Upon her reaching the age of majority, any remaining funds in the registry for her use shall be released to her. The parties are hereby ordered to execute all documents and take all actions reasonably necessary to give full effect to the agreement to settle T. Dishon's claims. The Court further orders that the defendants pay directly the guardian ad litem, Russell Lorfing, \$2,192.00 within 30 days of the date of this Order. The parties shall otherwise bear their own costs and fees. Finally, the Court orders that all claims and counterclaims in this lawsuit are dismissed with prejudice.

So ordered on November 7, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE